

CHAPTER 23-02.1 HEALTH STATISTICS ACT

23-02.1-01. Definitions. As used in this chapter:

1. "Dead body" means a lifeless human body or parts of such body or bones thereof from the state of which it may reasonably be concluded that death recently occurred.
2. "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.
3. "Filing" means the presentation of a certificate, report, or other record provided for in this chapter of a birth, death, fetal death, adoption, marriage, divorce, or other event as specified by the state health officer for registration by the state registrar.
4. "Final disposition" means the burial, interment, cremation, removal from the state, or other disposition of a dead body or fetus.
5. "Health statistics" means data derived from records of birth, death, fetal death, marriage, divorce, or other records relating to the health of the populace or the state of the environment.
6. "Institution" means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary care to two or more individuals unrelated by blood, or to which persons are committed by law.
7. "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
8. "Physician" means a person authorized or licensed to practice medicine or osteopathy pursuant to chapter 43-17.
9. "Registration" means the acceptance by the state registrar and incorporation into official records of certificates, reports, or other records provided for in this chapter, of birth, death, fetal death, marriage, divorce, or other records as may be determined by the state health officer.
10. "System of health statistics tabulation and analysis" includes the tabulation, analysis, and presentation or publication of statistical data derived from health statistics.
11. "System of vital records registration" includes the registration, collection, preservation, amendment, and certification of records of birth, death, fetal death, marriage, divorce, or other records as may be determined necessary by the state health officer or the state health officer's designee.

23-02.1-02. Office of statistical services. There is hereby established in the state department of health an office of statistical services which shall install, maintain, and operate a system of health statistics tabulation and analysis and a system of vital records registration throughout the state. The state health officer may create within the office of statistical services such working divisions as may be necessary to comply with the provisions of this chapter and

shall appoint the directors of such divisions in accordance with the merit system laws and regulations of the state of North Dakota.

23-02.1-03. Director of the office of statistical services and associative duties, state and deputy state registrars. The state health officer shall appoint a director of the office of statistical services, in accordance with the merit system laws and regulations of the state of North Dakota, who must be the ex officio state registrar of vital statistics. The deputy state registrar of vital statistics must also be appointed by the state health officer. The director of the office of statistical services shall administer and enforce this chapter and the rules and regulations issued hereunder, and issue instructions for the efficient administration of a statewide system of health statistics tabulation and analysis and a statewide system of vital records registration. The director of the office of statistical services may delegate such functions and duties vested in the director to the officers and employees of the office of statistical services as the director deems necessary and expedient.

23-02.1-04. Duties of the state department of health. The state department of health is authorized to adopt, amend, and repeal rules and regulations for the purposes of carrying out the provisions of this chapter, in accordance with chapter 28-32.

23-02.1-05. Duties of the state registrar.

1. The state registrar shall:
 - a. Direct and supervise the statewide system of vital records and registration and be the primary custodian of said records.
 - b. Direct, supervise, and control the activities of local registrars and the activities of other local officials related to the operation of the vital records registration system.
 - c. Prescribe, with the approval of the state department of health, and distribute such forms as required by this chapter and the rules and regulations issued hereunder.
2. The deputy state registrar shall possess the powers of the state registrar during the registrar's absence, delegation, inability to act, or during the time there is a vacancy in the office.

23-02.1-06. Registration districts. Each county of this state constitutes a registration district for purposes of this chapter, and the recorder, unless the board of county commissioners designates a different official, is designated as a local registrar. The local registrar may appoint one or more deputy local registrars for each registration district.

23-02.1-07. Duties of local registrars.

1. The local registrar, with respect to the local registrar's registration district, shall:
 - a. Administer and enforce the provisions of this chapter and instructions, rules, and regulations issued hereunder.
 - b. Require that certificates be completed and filed in accordance with the provisions of this chapter and the rules and regulations issued hereunder.
 - c. Transmit monthly the certificates, reports, or other returns filed with the local registrar to the state registrar or more frequently when directed to do so by the state registrar.

2. In accordance with the regulations issued hereunder, the deputy local registrar shall perform the duties of the local registrar in the absence or incapacity of such local registrar and shall perform such other duties as may be prescribed.
3. The local registrar may appoint one or more suitable and proper persons to act as subregistrars. Each licensed funeral home is entitled to have one of its staff members appointed as a subregistrar for all registration districts served by that funeral home.

23-02.1-08. Duties of subregistrars. A subregistrar may receive death certificates and issue burial-transit permits for those registration districts served by the funeral home the subregistrar is employed by. The subregistrar shall note on each certificate over the subregistrar's signature the date upon which it was filed and shall forward the same to the local registrar within twenty-one days after death. The subregistrar is subject to the supervision and control of the state registrar and may be removed by the state registrar for reasonable cause. The subregistrar is subject to the same penalties for neglect of duties as is the local registrar.

23-02.1-09. Compensation of local registrars. Each local registrar must be paid the sum of twenty-five cents for each certificate of death registered by the registrar and transmitted to the state registrar. If no death is registered by the registrar during any calendar month, the local registrar shall report that fact to the state registrar and be paid the sum of twenty-five cents.

23-02.1-10. Payment of fees to the local registrar. The state registrar shall certify to the county auditors the number of death certificates registered by each local registrar, with the names of the local registrars and the amount due. Upon the certification, the fees due the local registrar must be paid by the auditor of the county out of the general fund of the county.

23-02.1-11. Form of certificates. The form of the certificates, reports, and other returns required by this chapter is subject to the approval of and modification by the state department of health. In order to maintain uniformity in the system of vital records registration and the system of health statistics tabulation and analysis, substantial efforts should be made to ensure that information collected parallels that collected by other primary registration areas.

23-02.1-12. Date of registration. Each certificate, report, and other form required to be filed under this chapter must have entered upon its face the date of registration duly attested.

23-02.1-13. Birth registration.

1. A certificate of birth for each live birth that occurs in this state must be filed with the state registrar.
2. When a birth occurs in an institution, the person in charge of the institution or a designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate, and file it with the state registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within six days after the birth.
3. When a birth occurs outside an institution, the certificate must be prepared and filed by one of the following in the indicated order of priority:
 - a. The physician in attendance at or immediately after the birth, or in the absence of such a person.
 - b. Any other person in attendance at or immediately after the birth, or in the absence of such a person.
 - c. The father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

4. If a man and the mother are or have been married or have attempted to marry each other in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born during the marriage or attempted marriage, or within three hundred days after the termination of cohabitation or after the marriage or attempted marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court, the name of the man must be entered on the certificate as the father of the child unless the presumption of paternity has been rebutted by a court decree.
5. If the child is not born during the marriage of the mother, or within three hundred days after a marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court, the name of the father may not be entered on the birth certificate unless:
 - a. After the child's birth, the father and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:
 - (1) He has acknowledged his paternity of the child in writing filed with the state registrar;
 - (2) With his consent, he is named as the child's father on the child's birth certificate; or
 - (3) He is obligated to support the child under a written voluntary promise or by court order;
 - b. After the child's birth, the child's natural mother and the father voluntarily acknowledge the child's paternity in a writing signed by both and filed with the state registrar; or
 - c. A court or other entity of competent jurisdiction has adjudicated paternity.
6. If, in accordance with subsections 4 and 5, the name of the father of the child is not entered on the certificate of birth, the child's surname must be shown on the birth certificate as the legal surname of the mother at the time of birth unless an affidavit or an acknowledgment of paternity signed by both parents is received stating the surname to be that of the father.

23-02.1-14. Infants of unknown parentage - Foundling registration.

1. Whoever assumes custody of a living infant of unknown parentage shall report on a form and in the manner prescribed by the state registrar within seven days to the state registrar the following information:
 - a. The date and place of finding.
 - b. Sex, color, or race, and approximate age of child and approximate date of birth.
 - c. Name and address of the persons or institution with whom the child has been placed for care.
 - d. Name given to the child by the custodian.
 - e. Other data required by the state registrar.
2. The place where the child was found must be entered as the place of birth and the date of birth must be determined by approximation.

3. A report registered under this section constitutes the certificate of birth for the infant.
4. If the child is identified and a certificate of birth is found or obtained, any report registered under this section must be sealed and filed and may be opened only by order of a court of competent jurisdiction or as provided by regulation.

23-02.1-15. Delayed registration of birth.

1. When the birth of a person born in this state has not been registered, a certificate may be filed in accordance with the regulations of the state department of health. Such certificate must be registered subject to such evidentiary requirements as the state department of health shall prescribe to substantiate the alleged facts of birth.
2. Certificates of birth registered one year or more after the date of occurrence must be marked "delayed" and show on their face the date of delayed registration.
3. A summary statement of the evidence submitted in support of the delayed registration must be endorsed on the certificate.
4.
 - a. When an applicant does not submit the minimum documentation required in the regulations for delayed registration or when the state registrar finds reason to question the validity or adequacy of the certificate or documentary evidence, the state registrar may not register the delayed certificate and shall advise the applicant of the reasons for this action. In the event that the deficiencies are not corrected, the state registrar shall advise the applicant of the right of appeal to a court of competent jurisdiction for a judicial determination of the birth facts.
 - b. The state department of health may by regulation provide for the dismissal of an application which is not actively prosecuted.

23-02.1-16. Delayed registration of death. When a death occurring in this state has not been registered within the time period specified in section 23-02.1-19, a certificate may be filed in accordance with regulations of the state department of health.

1. Such certificates must be registered subject to such evidentiary requirements as the state department of health shall by regulation prescribe to substantiate the alleged facts of death.
2. Certificates of death registered one year or more after the date of occurrence must be marked "delayed" and must show on their face the date of delayed registration.

23-02.1-17. Court reports of adoption.

1. For each adoption decreed by any court in this state, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the state registrar. The report must include such facts as are necessary to locate and identify the certificate of birth for the person adopted; provide information necessary to establish a new certificate of birth for the person adopted; and must identify the order of adoption and be certified by the clerk of court.
2. Information in the possession of the petitioner necessary to prepare the adoption report must be furnished with the petition for adoption by each petitioner for adoption or petitioner's attorney. The department of human services or other persons concerned shall supply the court with such additional information as may be necessary to complete the report. The provision of such information is a prerequisite to the issuance of a final decree.
3. Whenever an adoption decree is amended or annulled, the clerk of court shall prepare a report thereof, which must include the facts necessary to identify the

original adoption report and the facts amended in the adoption decree as are necessary to properly amend the birth record.

4. Not later than the fifth day of each calendar month, the clerk of court shall forward to the state registrar reports of decrees of adoptions, annulment of adoption, or amendments thereof entered in the preceding month, together with such related reports as the state registrar shall require.
5. When the state registrar shall receive a report of adoption or annulment of adoption or amendment thereof from a court for a person born in the United States but outside this state, such report must be forwarded to the appropriate registration authority in the state of birth.

23-02.1-18. New certificates of birth following adoption, legitimation, and paternity determination.

1. The state registrar shall establish a new certificate of birth for a person born in this state when the registrar receives the following:
 - a. An adoption report as provided in section 23-02.1-17 or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth may not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adoptive person.
 - b. A request that a new certificate be established and such evidence as required by rules and regulations proving that such person has been legitimated or that a court of competent jurisdiction has determined the paternity of such person.
2. For a person born in a foreign country whose adoptive parents are residents of the state of North Dakota at the time of the adoption, the state registrar shall prepare a new certificate of birth:
 - a. In the case of a foreign-born person adopted in North Dakota, upon presentation of a report of adoption as required by section 23-02.1-17.
 - b. In the case of a foreign-born person adopted outside the state of North Dakota or outside the United States, or in the state of North Dakota prior to July 1, 1979, upon presentation of a certified copy of the adoption decree, and:
 - (1) A certified copy of the certificate of birth of the adopted person; or
 - (2) An affidavit of an adoptive parent setting forth the true or probable date and place of birth and parentage of the adopted person.

Any certificate of birth issued under this subsection must be in the same form as other certificates of birth issued in this state except that it must state that it does not purport to be evidence of United States citizenship.

3. When a new certificate of birth is established, the actual place and date of birth must be shown. The new certificate of birth must be substituted for the original certificate of birth:
 - a. Thereafter, the original certificate of birth and the evidence of adoption, paternity, or legitimation is not subject to inspection except upon order of a court of competent jurisdiction or as provided by rules and regulations.
 - b. Upon receipt of a notice of annulment of adoption, the original certificate of birth must be restored to its place in the files and the new certificate of birth and

evidence is not subject to inspection except upon order of a court of competent jurisdiction.

4. If no certificate of birth is on file for the person for whom a new certificate of birth is to be established under this section, an original certificate of birth must be filed with the state registrar in accordance with the appropriate rules and regulations promulgated by the state department of health. The new certificate is also to be prepared on the standard certificate of birth form or the delayed birth certificate form in use at the time of the adoption, legitimation, or paternity determination.
5. When a new certificate of birth is established by the state registrar, all copies of the original certificate of birth in the custody of any custodian of permanent local records in the state must be sealed from inspection or forwarded to the state registrar, as the registrar directs.

23-02.1-19. Death registration.

1. A death certificate for each death which occurs in this state must be filed with the local registrar of the district in which the death occurred within fifteen days after the death and must be registered by the registrar if it has been completed and filed in accordance with this section, provided:
 - a. That if the place of death is unknown, a death certificate must be filed in the registration district in which a dead body is found within fifteen days after the occurrence.
 - b. That if a death occurs on a moving conveyance, a death certificate must be filed in the registration district in which the dead body was first removed from the conveyance.
2. Notwithstanding subsection 1, if the state registrar has implemented an automated system that allows each local registrar to produce certified copies of death certificates in the local registrar's offices within two working days of filing, death certificates must be filed with the state registrar.
3. The funeral director who first assumes custody of a dead body shall file the death certificate. The funeral director shall obtain the personal data from the next of kin or the best qualified person or source available. The funeral director shall obtain the medical certification of cause of death from the person responsible for the medical certification.
4. The medical certification must be completed and signed within fifteen days after death by the physician or nurse practitioner in charge of the patient's care for the illness or condition which resulted in death except when inquiry is required by the local health officer or coroner.
5. When death occurred without medical attendance or when inquiry is required by the local health officer or coroner, the county coroner shall investigate the cause of death and shall complete and sign the medical certification within fifteen days after taking charge of the case.
6. If the cause of death cannot be determined within fifteen days after death, the medical certification may be filed after the prescribed period, in accordance with rules adopted by the state department of health. The attending physician, nurse practitioner, or coroner shall give the funeral director in custody of the body notice of the reason for the delay and final disposition may not be made until authorized by the attending physician, nurse practitioner, or coroner.

7. When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of findings of a court of competent jurisdiction, including the personal data and medical data required to complete the death certificate. The death certificate must be marked "presumptive" and must show on its face the date of registration and must identify the court and the date of the decree.
8. Each death certificate must include the social security number of the decedent, if the information is available. A social security number included on a death certificate is confidential.

23-02.1-20. Fetal death registration.

1. A fetal death certificate for each fetal death which occurs in this state after a gestation period of twenty completed weeks or more or of less than twenty completed weeks of gestation when provided by rules of the state department of health must be filed with the state registrar.
2. The funeral director who first assumes custody of a fetus shall file the fetal death certificate. In the absence of such a person, the physician or other person in attendance at or after delivery shall file the certificate of fetal death. The person filing the certificate of death shall obtain the personal data from the next of kin or the best qualified person or source available. The person filing the certificate of death shall obtain the medical certification of cause of death from the person responsible for the medical certification.
3. The medical certification must be completed and signed by the physician or a nurse practitioner in attendance at the delivery within fifteen days after the delivery except when inquiry is required by the local health officer or coroner.
4. When inquiry is required by the local health officer or coroner or in the absence of medical attendance, the county coroner shall investigate the cause of fetal death and sign the medical certification within fifteen days after taking charge of the case.
5. If the cause of fetal death cannot be determined within fifteen days after death, the medical certification may be filed after the prescribed period of time in accordance with rules adopted by the state department of health. The attending physician, nurse practitioner, or coroner shall give the funeral director in custody of the fetus the notice of the reason for the delay and final disposition may not be made until authorized by the attending physician, nurse practitioner, or coroner.
6. The provision for entering the name of the father of the fetus on the fetal death certificate and the reporting of out-of-wedlock fetal deaths concur exactly with those set forth in section 23-02.1-13.

23-02.1-21. Permits.

1. The funeral director who first obtains custody of a dead body or fetus shall obtain a burial-transit permit before final disposition or removal from this state of the body or fetus.
2. The burial-transit permits must be issued by the state registrar or the local registrar or subregistrar of the district where the certificate of death or fetal death will be filed in accordance with the requirements of sections 23-02.1-19 and 23-02.1-20.
3. A burial-transit permit issued under the laws of another state which accompanies a dead body or fetus brought into this state is authority for final disposition of the body or fetus in this state.

4. A permit for disinterment and reinterment is required before disinterment of a dead body or fetus except as authorized by rules or otherwise provided by law. The permit must be issued by the state registrar to a licensed embalmer upon proper application.

23-02.1-22. Extension of time.

1. The state department of health may, by regulation and upon such conditions as it may prescribe to assure compliance with the purposes of this chapter, provide for the extension of the periods of time prescribed in sections 23-02.1-19, 23-02.1-20, and 23-02.1-21 for the filing of death certificates, fetal death certificates, medical certification of cause of death, and for the obtaining of burial-transit permits in cases in which compliance with the applicable prescribed period would result in undue hardship.
2. Regulations of the state department of health may provide for the issuance of a burial-transit permit under section 23-02.1-21 prior to the filing of a certificate of death or fetal death upon conditions designed to assure compliance with the purposes of this chapter in cases in which compliance with the requirement that the certificates be filed prior to the issuance of the permit would result in undue hardship.

23-02.1-23. Marriage registration.

1. A record of each marriage performed in this state must be filed with the state registrar as provided in this section.
2. The officer who issues the marriage license shall prepare the certificate on the form prescribed and furnished by the state registrar upon the basis of information obtained from the parties to be married, who shall attest to information by their signatures.
3. Every person who performs a marriage shall certify the fact of marriage and file the record with the officer who issued the license within seven days after the ceremony.
4. Every officer issuing a marriage license shall complete and forward to the state registrar, on or before the fifth day of each calendar month, a copy of the marriage records specified in subsection 1 for marriages filed with that officer during the preceding calendar month.

23-02.1-24. Court reports of divorce and annulment of marriage.

1. For each divorce and annulment of marriage granted by any court in this state, a report must be prepared and filed by the clerk of court with the state registrar. The information necessary to prepare the report must be furnished, with the petition, to the clerk of court by the parties or their legal representatives on forms prescribed and furnished by the state registrar.
2. On or before the fifth day of each month, the clerk of court shall forward to the state registrar the report of each divorce and annulment granted during the preceding calendar month and such related reports as may be required by regulations issued under this chapter.

23-02.1-25. Correction and amendment of vital records.

1. A certificate or record registered under this chapter may be amended only in accordance with this chapter and regulations thereunder adopted by the state department of health to protect the integrity and accuracy of vital records.

2. A certificate that is amended under this section must be marked "amended" except as provided in subsection 4. The date of amendment and a summary description of the evidence submitted in support of the amendment must be endorsed on or made a part of the record. The state department of health shall prescribe by regulation the conditions under which additions or minor corrections may be made to birth certificates within one year after the date of birth without the certificate being considered as amended.
3. Upon receipt of a certified copy of a court order changing the name of a person born in this state and upon request of such person or the person's parent, guardian, or legal representative, the state registrar shall amend the certificate to reflect the new name.
4. Upon receipt of a sworn acknowledgment of paternity of a child born out of wedlock signed by both parents and upon request, the state registrar shall amend a certificate of birth to show such paternity if paternity is not shown on the certificate. Upon request of the parents, the surname of the child must be changed on the appropriate certificate to that of the father. Such certificates may not be marked as "amended". The provisions of this subsection apply also in their entirety to certificates of fetal death.

23-02.1-26. Reproduction of records. To preserve original documents, the state registrar is authorized to prepare typewritten, photographic, or other reproductions of original records and files in the state registrar's office. Such reproductions when certified by the state registrar must be accepted as the original record.

23-02.1-27. Disclosure of records. The state registrar, and local registrars, may supervise and regulate physical access to vital records to protect vital records from loss, mutilation, or destruction and to prevent improper disclosure of records that are confidential. Information relating to the birth or fetal death of a child to a woman who was not married to the child's father when the child was conceived or born may be disclosed only to the child's guardian, to the individual to whom the record relates if that individual is at least eighteen years old, to the parent of the child, or upon order of a court of competent jurisdiction. Information in vital records indicating cause of death may not be disclosed except to a relative or personal representative of the deceased, to the attorney or the agent of a relative or personal representative of the deceased, to the child fatality review panel, or upon order of a court of competent jurisdiction. An individual's social security number contained in vital records may not be disclosed except to the individual to whom it pertains, that individual's lawful agent or guardian, or by order of a court. Only a certified copy of a certificate or record may be provided to the public.

23-02.1-28. Copies of data from vital records. In accordance with section 23-02.1-27 and the regulations adopted pursuant thereto:

1. The state registrar shall upon request issue a certified copy of any certificate or record in the registrar's custody or a part thereof. Each copy issued must show the date of registration; and copies issued from records marked "delayed", "amended", or "court order" must be similarly marked and show the effective date of filing.
2. A certified copy of a certificate or any part thereof issued in accordance with subsection 1 must be considered evidence of the facts of birth stated therein, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, must be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.
3. Data or copies may be furnished for statistical purposes to federal, state, local, or other public or private agencies including the federal agency responsible for national vital statistics, upon such terms and conditions as may be prescribed by the state department of health through rules and regulations adopted pursuant to this chapter.

4. No person may prepare or issue any certificate which purports to be an original, certified copy, or copy of a certificate of birth, death, or fetal death, except as provided in this chapter, or regulations adopted hereunder.
5. A certified copy may not disclose an individual's social security number unless the copy is being provided to the individual to whom it pertains, that individual's lawful agent or guardian, or by order of a court.

23-02.1-29. Fees.

1. The state department of health shall prescribe the fees, if any, not to exceed five dollars, to be paid for the following:
 - a. Each certified copy of a certificate or record.
 - b. Each certified statement of the facts of birth other than a copy of the original birth certificate.
 - c. Each filing of a new certificate of birth or fetal death following adoption, legitimation, or determination of paternity.
 - d. Each filing of a delayed certificate of birth or death except as provided for in subsection 4 of section 23-02.1-18.
 - e. Each filing of an amendment to a birth or death certificate.
 - f. A search of the files or records when no copy is made.

The fee for each additional copy of the same document, requested at the same time, may not exceed two dollars.

2. Except as otherwise provided in subsection 3, fees collected under this section by the state registrar must be deposited in the general fund of this state, according to procedures established by the state treasurer. When a local registrar of any county in the state has been duly authorized, by the state registrar, to prepare and issue certified copies of death certificates or fetal death certificates, said local registrar is entitled to charge a fee, not to exceed five dollars, for the first certified copy, and not to exceed two dollars for each additional certified copy of the same document requested at the same time. Fees collected under this section by local registrars must be deposited to the general fund of the respective counties.
3. The state department of health shall charge a fee, in addition to those fees authorized by subsection 1, in the amount of two dollars for the issuance of each certified copy of a birth certificate. This additional fee must be paid to the state registrar prior to the issuance of each certified copy of a birth certificate. The state registrar shall quarterly pay the additional fees collected pursuant to this subsection into the children's trust fund created by section 50-27-01.

23-02.1-30. Persons required to keep records.

1. Every person in charge of an institution as defined in this chapter shall keep a record of personal particulars and data concerning each person admitted or confined to such institution. This record must include such information as required by the standard certificate of birth, death, and fetal death forms issued under the provisions of this chapter. The record must be made at the time of admission from information provided by such person, but when it cannot be obtained from said person, the same must be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information must be a part of the record.

2. When a dead body or fetus is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the deceased, date of death, name and address of the person to whom the body is released, date of removal from the institution, or if finally disposed of by the institution, the date, place, and manner of disposition must be recorded.
3. A funeral director, embalmer, or other person who removed from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other form required by this chapter, shall keep a record which must identify the body, and such information pertaining to receipt, removal, and delivery of such body as may be prescribed in regulations adopted by the state department of health.
4. Records maintained under this section must be made available to the state registrar or the registrar's representative for inspection upon demand.
5. On the fifth day of each month, each funeral director, embalmer, or person acting as such in this state shall report to the state registrar, on forms provided for this purpose, information required by the state registrar regarding each dead body or fetus handled by such person during the preceding calendar month.

23-02.1-31. Duties to furnish information relative to vital events. Any person having knowledge of the facts shall furnish such information as the person may possess regarding any birth, death, fetal death, marriage, or divorce upon demand of the state registrar.

23-02.1-32. Penalties.

1.
 - a. Any person who willfully and knowingly makes any false statement in a report, record, or certificate required to be filed under this chapter, or in application for an amendment thereof, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof;
 - b. Any person who, without lawful authority and with the intent to deceive, makes, alters, or mutilates any report, record, or certificate required to be filed under this chapter or a certified copy of such report, record, or certificate;
 - c. Any person who willfully and knowingly uses or attempts to use or to furnish to another for use, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, altered, amended, or mutilated;
 - d. Any person who, with the intention to deceive, willfully uses or attempts to use any certificate of birth or certified copy of a record of birth knowing that such certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person; or
 - e. Any person who willfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by a person other than the person to whom the record of birth relates;

is guilty of a class A misdemeanor.

2.
 - a. Any person who refuses to provide information required by this chapter;
 - b. Any person who knowingly transports or accepts for transportation, interment, or other disposition of a dead body or fetus without an accompanying permit as provided in this chapter; or

- c. Any person who willfully neglects or violates any of the provisions of this chapter or refuses to perform any of the duties imposed upon the person by this chapter;

is guilty of an infraction.

23-02.1-33. Short title. This chapter may be cited as the "Health Statistics Act".